Los Angeles County Sheriff's Department

Supervisor's Report on Use of Force

Incident Information

URN: 0 0 8 - 0 1 3 9 4 - 5 1 0 0 - 1 4 5 | Date: 11/12/08 | Time: 1620 Hrs.

Location: Men's Central Jail (2000 Floor Hallway) | City or Station: Los Angeles

Bureau/Station/Facility: Men's Central Jail | Admin. Investigation: YES [X] NO [ ]

Type of Force: Significant Use of Force (Personal Weapons, O.C. Spray)

Deputy Injury : YES [ ] NO [X] | Suspect Injury YES [X] NO [ ]

[X] Call | [ ] Observation | [ ] Detail | [ ] Foot Pursuit | [ ] Vehicle Pursuit

IAB Notified: YES [X] NO [ ] | Person Notified: Lt. Ault | Emp: [redacted] | IAB Roll Out: YES [X] NO [ ]

Involved Employee

E 1

Employee #: [redacted] | Last Name: Lyons | First Name: Andrew | Middle Name: M.

Sex: [X] Male [ ] Female | Race: White | Unit of Assignment: Men's Central Jail | Work Assignment (Unit #, Module, etc.): 2000 Prowl / Movement

Shift: [ ] EM [ ] Day [X] PM | [X] Regular Shift [ ] OT Shift [ ] Off Duty | Age: [redacted] | Height: 600 | Weight: 265

[ ] Injured [ ] Treated [ ] Admitted Hospital: ______ | Coroner Case # | Directed Force [ ] Significant Force [X]

E 2

Employee #: [redacted] | Last Name: [redacted] | First Name: [redacted] | Middle Name: [redacted]

Sex: [redacted] Male [ ] Female | Race: [redacted] | Unit of Assignment: [redacted] | Work Assignment (Unit #, Module, etc.): [redacted]

Shift: [ ] EM [ ] Day [redacted] PM | [redacted] Regular Shift [ ] OT Shift [ ] Off Duty | Age: [redacted] | Height: [redacted] | Weight: [redacted]

[ ] Injured [ ] Treated [ ] Admitted Hospital: ______ | Coroner Case # | Directed Force [ ] Significant Force [X]

E 3

Employee #: [redacted] | Last Name: [redacted] | First Name: [redacted] | Middle Name: [redacted]

Sex: [X] Male [ ] Female | Race: Hispanic | Unit of Assignment: Men's Central Jail | Work Assignment (Unit #, Module, etc.): 2100/2300 Movement Deputy

Shift: [ ] EM [ ] Day [X] PM | [X] Regular Shift [ ] OT Shift [ ] Off Duty | Age: [redacted] | Height: 509 | Weight: 175

[ ] Injured [ ] Treated [ ] Admitted Hospital: ______ | Coroner Case # | Directed Force [ ] Significant Force [ ]

[X] Additional Involved Employees

On Duty Supervisor

Emp. #	Last Name	First Name	Middle Name	Rank	Present	Witness to Incident
[redacted]	Daily	Ronald	J.	Sgt.	YES [ ] NO [X]	YES [ ] NO [X]
					YES [ ] NO [ ]	YES [ ] NO [ ]

Watch Sergeant

Emp. #	Last Name	First Name	Middle Name
[redacted]	Barbosa	Ernie	

Watch Commander

Emp. #	Last Name	First Name	Middle Name
[redacted]	Shannon	Thomas	M.

Lieutenant Thomas Shannon
Watch Commander (**Print Name**) | Watch Commander's **Signature**: | Emp #: | Date

Sergeant Dana Chemnitzer
Supervisor Completing Form: (**Print Name**) | [redacted] Emp #: | Copy Provided to Employee by: | Emp #:

Captain Daniel S. Cruz
Unit Commander (**Print Name**) | Unit Commander's **Signature**: | Emp #: | Date

DISCOVERY Use Only
FO#

Original: Discovery Unit
Copy: Unit Commander

SH-R-438P (Rev. 07/08)

Supervisor's Report on Use of Force
INVOLVED EMPLOYEE - Continuation
0 0 8 - 0 1 3 9 4 - 5 1 0 0 - 1 4 5

Involved Employee

E 4

Employee #	Last Name	First Name	Middle Name
[redacted]	[redacted]	[redacted]	[redacted]

Sex	Race	Unit of Assignment	Work Assignment (Unit #, Module, etc.)
☒ Male ☐ Female	White	Men's Central Jail	2000 Prowl / Movement #2

Shift		Age	Height	Weight
☐ EM ☐ Day ☒ PM	☒ Regular Shift ☐ OT Shift ☐ Off Duty	[redacted]	605	245

Injury	Hospital	Coroner Case #	Force
☐ Injured ☐ Treated ☐ Admitted	Hospital:		Directed Force ☐ Significant Force ☒

E 5

Employee #	Last Name	First Name	Middle Name
[redacted]	[redacted]	[redacted]	[redacted]

Sex	Race	Unit of Assignment	Work Assignment (Unit #, Module, etc.)
☒ Male ☐ Female	Hispanic	Men's Central Jail	2600/2800 Movement Deputy

Shift		Age	Height	Weight
☐ EM ☐ Day ☒ PM	☒ Regular Shift ☐ OT Shift ☐ Off Duty	[redacted]	603	225

Injury	Hospital	Coroner Case #	Force
☐ Injured ☐ Treated ☐ Admitted	Hospital:		Directed Force ☐ Significant Force ☒

E 6

Employee #	Last Name	First Name	Middle Name
[redacted]	[redacted]	[redacted]	[redacted]

Sex	Race	Unit of Assignment	Work Assignment (Unit #, Module, etc.)
☒ Male ☐ Female	White	Men's Central Jail	2000 Prowl / Movement #3

Shift		Age	Height	Weight
☐ EM ☒ Day ☐ PM	☒ Regular Shift ☐ OT Shift ☐ Off Duty	[redacted]	510	180

Injury	Hospital	Coroner Case #	Force
☐ Injured ☐ Treated ☐ Admitted	Hospital:		Directed Force ☐ Significant Force ☒

E_

Employee #	Last Name	First Name	Middle Name

Sex	Race	Unit of Assignment	Work Assignment (Unit #, Module, etc.)
☐ Male ☐ Female			

Shift		Age	Height	Weight
☐ EM ☐ Day ☐ PM	☐ Regular Shift ☐ OT Shift ☐ Off Duty			

Injury	Hospital	Coroner Case #	Force
☐ Injured ☐ Treated ☐ Admitted	Hospital:		Directed Force ☐ Significant Force ☐

E_

Employee #	Last Name	First Name	Middle Name

Sex	Race	Unit of Assignment	Work Assignment (Unit #, Module, etc.)
☐ Male ☐ Female			

Shift		Age	Height	Weight
☐ EM ☐ Day ☐ PM	☐ Regular Shift ☐ OT Shift ☐ Off Duty			

Injury	Hospital	Coroner Case #	Force
☐ Injured ☐ Treated ☐ Admitted	Hospital:		Directed Force ☐ Significant Force ☐

Supervisor's Report on Use of Force
SUSPECT INFORMATION
008-01394-5100-145

Suspect Information

S 1

Last Name: Revilla		First Name: Nathareth			Middle Name: None		
AKA Last Name: None		First Name:			Middle Name:		
Sex: ☒ Male ☐ Female	Race: Hispanic	Street Address: [redacted]		City: [redacted]		State & Zip Code: [redacted]	
Work Phone: None	Home Phone: [redacted]	Age: 30	Height: 510	D.O.B. 12/17/77	Weight: 170	Armed? ☐	
Booking #: 1658260	Primary Charge Code: 11350(a) H&S		Secondary Charge Code:			Criminal History ☐	

EMT in attendance? ☐ YES ☒ NO Name: ______ Unit: ______ Phone #: ______

Hospital Admission? ☒ Rec'd Treatment At: LCMC Coroner Case #: ______ Mental History ☐

By Doctor: Pamela Luk Address: 2051 Marengo St., L.A., 90033 Phone #: (323) 409-4563

Under Influence: ☐ YES ☒ NO Substance: ______ Mental Illness ☐

Suspect Interview

Date: 12/02/08 Time: 1300 ☒ Audiotape: ☐ Videotape: ☒ Photos of Injuries: ☐ ADMITS HEARING ANNOUNCEMENTS

Suspect Information

S 2

Last Name: Ibarra		First Name: Jesus			Middle Name: None		
AKA Last Name: None		First Name:			Middle Name:		
Sex: ☒ Male ☐ Female	Race: Hispanic	Street Address: [redacted]		City: [redacted]		State & Zip Code: [redacted]	
Work Phone: N/A	Home Phone: N/A	Age: 32	Height: 506	D.O.B. 11/27/75	Weight: 170	Armed? ☐	
Booking #: 1556818	Primary Charge Code: 12031(a) PC		Secondary Charge Code:			Criminal History ☐	

EMT in attendance? ☐ YES ☒ NO Name: ______ Unit: ______ Phone #: ______

Hospital Admission? ☐ Rec'd Treatment At: ______ Coroner Case #: ______ Mental History ☐

By Doctor: ______ Address: ______ Phone #: ______

Under Influence: ☐ YES ☒ NO Substance: ______ Mental Illness: ☐

Suspect Interview

Date: 11/12/08 Time: 1845 ☒ Audiotape: ☒ Videotape: ☒ Photos of Injuries: ☐ ADMITS HEARING ANNOUNCEMENTS

Suspect Information

S__

Last Name:		First Name:			Middle Name:		
AKA Last Name:		First Name:			Middle Name:		
Sex: ☐ Male ☐ Female	Race:	Street Address:		City:		State & Zip Code:	
Work Phone:	Home Phone:	Age:	Height:	D.O.B.	Weight:	Armed? ☐	
Booking #:	Primary Charge Code:		Secondary Charge Code:			Criminal History ☐	

EMT in attendance? ☐ YES ☐ NO Name: ______ Unit: ______ Phone #: ______

Hospital Admission? ☐ Rec'd Treatment At: ______ Coroner Case #: ______ Mental History ☐

By Doctor: ______ Address: ______ Phone #: ______

Under Influence: ☐ YES ☐ NO Substance: ______ Mental Illness ☐

Suspect Interview

Date: Time: ☐ Audiotape: ☐ Videotape: ☐ Photos of Injuries: ☐ ADMITS HEARING ANNOUNCEMENTS

☐ Additional Suspects Involved

Method

(AW) Arwen
(BC) Baton: (Control)
(BI) Baton: (Impact)
(BF) Bodily Fluids
(CN) Canine
(CR) Carotid Restraint
(CH) Choke Hold
(CT) Control Holds: (Control Techniques)
(TT) Control Holds: (Team Takedown)
(TD) Control Holds: (Takedown)
(CE) Chemical
(OC) Chemical Agents (OC Spray)
(TG) Chemical Agents (Tear Gas)
(EX) Explosives
(FH) Firearm (Handgun)
(FR) Firearm (Rifle)
(FS) Firearm (Shotgun)
(FO) Firearm (Other)
(FB) Flashbang
(FL) Flashlight
(OE) Other Weapon: Edged
(OV) Other Weapon: Vehicle
(OB) Other Weapon: Blunt Object
(OO) Other Weapon: Other
(PK) Personal Weapon: Feet/Leg: (Kick)
(PS) Personal Weapon: Feet/Leg: (Sweep)
(PH) Personal Weapon (Hand/Arm)
(PP) Personal Weapon (Push)
(PO) Personal Weapon (Other)
(RS) Resistance
(CN) Restraint Device (Capture Net)
(RH) Restraint Device (Handcuffs)
(HB) Restraint Device: Hobble (Legs Only)
(TP) Restraint Device: Hobble (TARP)
(RE) Restraint Device: REACT Belt
(SP) Sap
(SH) Shield
(SG) 37mm Stinger
(SB) Sting Ball
(ST) Stun Bag
(TR) Taser
(UC) Uncooperative

Type of Injury

(AB) Abrasion
(BR) Bruise
(BU) Burn
(CP) Complaint of Pain
(CO) Concussion
(DH) Death
(DI) Dislocation
(DB) Dog Bite
(FR) Fractures
(GS) Gunshot
(HB) Human Bite
(LC) Lacerations
(ND) Nerve Damage
(OD) Organ Damage
(PA) Paralysis
(PW) Puncture Wound
(SD) Soft Tissue Damage
(ST) Sprain/Twists
(UN) Unconscious
(RM) Refused Med Treatment
(NN) NONE

Body Part Injured

(AD) Abdomen
(AK) Ankle
(AR) Arm
(BK) Back
(BT) Buttocks
(CH) Chest
(EL) Elbow
(FA) Face
(FE) Feet
(FI) Fingers
(GE) Genitals
(GR) Groin
(HD) Hands
(HE) Head
(HI) Hip
(IN) Internal
(KN) Knees
(LE) Leg
(NK) Neck
(NO) Nose
(SH) Shoulder
(WR) Wrist

FORCE USED BY		FORCE USED AGAINST		Method (Code)	Type of Injury (Code)	Body Part (Code)
Name	E# or S#	Name	E# or S#			
Revilla	S#1	Lyons	E#1	UC	NN	-
Lyons	E#1	Revilla	S#1	PH	FR	FA
Revilla	S#1	Lyons	E#1	RS	NN	-
Lyons & [redacted]	E#1, E#2	Revilla	S#1	TT	NN	-
Revilla	S#1	Lyons	E#1	PK	NN	-
[redacted]	E#2	Revilla	S#1	PH	NN	-
Lyons	E#1	Revilla	S#1	PH	NN	-
[redacted]	E#3	Revilla	S#1	OC	NN	-
Lyons & [redacted]	E#1, E#3	Revilla	S#1	RH	NN	-
Ibarra	S#2	[redacted]	E#4	PO	NN	-
[redacted]	E#4	Ibarra	S#2	PH	BR	FA
Ibarra	S#2	[redacted]	E#4	RS	NN	-
[redacted] & [redacted]	E#4, E#5	Ibarra	S#2	TT	NN	-
Ibarra	S#2	[redacted] [redacted]	E#4,5,6	PK	NN	-
[redacted]	E#6	Ibarra	S#2	PH	CP	BK
[redacted]	E#5	Ibarra	S#2	PK	CP	LE
Ibarra	S#2	[redacted] [redacted] [redacted]	E#4,5,6	RS	NN	-
[redacted]	E#5	Ibarra	S#2	OC	NN	-
[redacted]	E#6	Ibarra	S#2	RH	NN	-

INTERNAL AFFAIRS BUREAU
INVESTIGATIVE SUMMARY
IAB CASE # FO 2232002
URN # 008-01394-5100-145

(ORBITAL FRACTURE CAUSED BY PERSONAL WEAPONS)

DATE / TIME: November 12, 2008 / 1620 hours
LOCATION: Men's Central Jail (2000 hallway)

SYNOPSIS

Inmates Nazareth Revilla and Jesus Ibarra were declassified from their status as protected "Green Light" inmates and reclassified to general population. Deputy Lyons was escorting Inmate Revilla and Deputy [redacted] was escorting Inmate Ibarra to their new housing location. Upon arrival at module 2600/2800, Inmate Revilla dropped his property, clenched his fists in a fighting stance and began moving toward Deputy Lyons. Believing he was going to be assaulted, Deputy Lyons punched Revilla in the face two times, using both fists. At this time, Deputies [redacted] and [redacted] responded to assist Deputy Lyons.

Deputy Lyons pushed Inmate Revilla against the wall, grabbed his shirt and with the assistance of Deputy [redacted], pulled Revilla to the floor. While on the floor, Revilla continued to resist by kicking his feet and punching toward the deputies. Deputy Lyons was kicked in the left leg three times by Revilla, causing a sharp pain and temporary immobilization of his leg. Deputy [redacted] punched Inmate Revilla two to three times in the left rib cage/mid back area.

Revilla continued to resist and refused to bring his hands out from under his body. In an effort to gain his compliance, Deputy Lyons punched Revilla three times in the left ribs/abdominal area. Deputy [redacted] then sprayed Revilla with O.C. spray, which caused Revilla to stop his resistance and allowed deputies to handcuff him without the use of additional force.

Simultaneously, about 20-30 feet away from Inmate Revilla, Inmate Ibarra dropped his property bag and swung his elbow behind him, striking Deputy [redacted] in the upper abdomen. Ibarra then lunged at Deputy [redacted] and attempted to punch [redacted] in the head. To stop the assault, Deputy [redacted] punched Ibarra in the face and head three to four times. At this time, Deputies [redacted] and [redacted] responded to assist Deputy [redacted].

Deputies [redacted] and [redacted] were able to force Inmate Ibarra to the floor, where he continued to resist the deputies by trying to push up from the floor and by kicking his legs. Deputy [redacted] used his body weight to keep Inmate Ibarra on the ground, while Deputy [redacted] punched Ibarra approximately four times in the rib cage area, and Deputy [redacted] struck Revilla once in the abdomen and once on the leg with his foot.

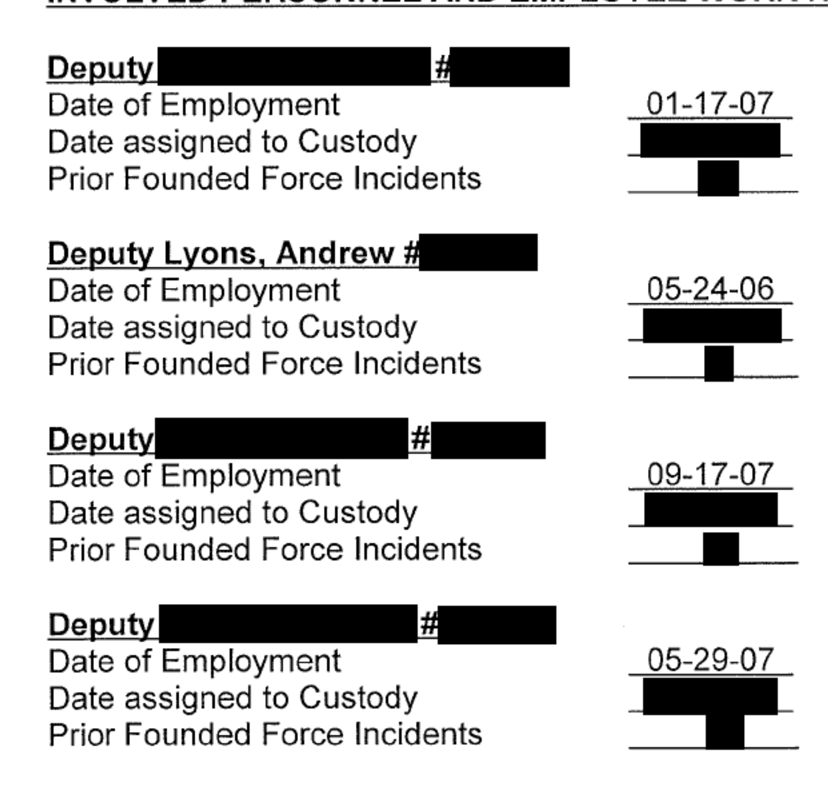
Deputy [redacted] then sprayed Inmate Ibarra with O.C. spray, which had a positive effect, causing Ibarra to comply with instructions to place his hands behind his back. Ibarra was then handcuffed without further incident.

Both inmates were taken to the MCJ clinic, where they were treated for their injuries. Inmate Ibarra was treated for exposure to O.C. spray, abrasions and swelling to his head, and an abrasion to his right ear. Ibarra was released from the clinic and sent to the pre-discipline module.

Inmate Revilla was seen in the clinic and transported to the Los Angeles County Medical Center (LCMC) via ambulance, where he was admitted due to a fractured right orbital and a nasal fracture.

The summary of this incident is based on information obtained from reports, deputy / witness interviews, and other documents regarding MCJ file number 008-01394-5100-145 ***(Exhibits A through C and Miscellaneous Documents)***

INVOLVED PERSONNEL AND EMPLOYEE WORK HISTORY



Deputy [redacted] #[redacted]
Date of Employment 01-17-07
Date assigned to Custody [redacted]
Prior Founded Force Incidents [redacted]

Deputy Lyons, Andrew #[redacted]
Date of Employment 05-24-06
Date assigned to Custody [redacted]
Prior Founded Force Incidents [redacted]

Deputy [redacted] #[redacted]
Date of Employment 09-17-07
Date assigned to Custody [redacted]
Prior Founded Force Incidents [redacted]

Deputy [redacted] #[redacted]
Date of Employment 05-29-07
Date assigned to Custody [redacted]
Prior Founded Force Incidents [redacted]

Deputy [redacted] # [redacted]

Date of Employment	08-13-07
Date assigned to Custody	[redacted]
Prior Founded Force Incidents	[redacted]

Deputy [redacted] # [redacted]

Date of Employment	[redacted]
Date assigned to Custody	[redacted]
Prior Founded Force Incidents	[redacted]

SWORN WITNESSES

None

CIVILIAN WITNESSES

None

INMATE INJURIES

Inmate Jesus Ibarra (MH/11-27-75), BKG #1556818, sustained an abrasion/swelling above his right eye, minor lacerations to the back of his head on the right side, as well as on the back of his right ear. He was treated for his injuries, including the exposure to O.C. spray, at the MCJ Clinic by RN Michael Portiz. Following treatment of his injuries, Inmate Ibarra was rehoused in the pre-discipline module.

At the time of this incident, Inmate Ibarra was in custody for [redacted].

Inmate Nazareth Revilla (MH/12-17-77), BKG #1658260, sustained a fractured right orbital and a nasal fracture. He was admitted to LCMC, where he was treated by Doctor Tay Kim. Upon his release from LCMC, Inmate Revilla was returned to regular housing.

At the time of this incident, Inmate Revilla was in custody for [redacted]

(See Exhibit B for copies of the Inmate Injury Reports)

DEPUTY INJURIES

None

PHYSICAL EVIDENCE

None

INVESTIGATOR OBSERVATIONS

At the time of the Force and Shooting Response Team's arrival, the use of force incident was completely over, and there was no need to preserve the scene. Observations of the area by IAB investigators occurred well after the incident, at which time photographs were taken of the area where the incident occurred.

WEAPONS / FORCE USED BY DEPUTY PERSONNEL

Deputy [redacted]:	Personal weapons, team takedown, O.C.spray
Deputy Lyons:	Personal weapons, team takedown, handcuffing
Deputy [redacted]	Personal weapons, handcuffing
Deputy [redacted]	Personal weapons, team takedown, O.C. spray
Deputy [redacted]	O.C. spray, handcuffing
Deputy [redacted]	Personal weapons, team takedown

WEAPONS USED BY INMATES

Inmate Revilla:	Hands, feet
Inmate Ibarra:	Elbow, hands, feet

PROPERTY DAMAGE

None

CRIMINAL INVESTIGATOR / CHARGES FILED

An Incident Report under file number 008-01394-5100-145 was written in order to document the Battery on a Peace Officer, 243(b) PC, against Inmates Revilla and Ibarra. The case was investigated by Detective Ramon Lascano of the Custody Investigative Services Unit and was subsequently submitted to the District Attorney's Office for filing consideration under 69 PC. On November 26, 2008, DDA Ann Huntsman of CCB rejected the case due to a lack of serious injuries on the part of the victim deputies. In lieu of charges being filed, the DA opted for parole and probation violations against Inmates Revilla and Ibarra respectively.

LIGHTING AND WEATHER CONDITIONS

This incident occurred during daytime hours, inside a jail facility. Ambient lighting was provided by overhead lighting inside the location.

INVOLVED EMPLOYEE STATEMENTS

Deputy Andrew Lyons was interviewed on Thursday, November 13, 2008, at approximately 0050 hours by Internal Affairs Bureau Sergeants Dana Chemnitzer and Trent Denison at Men's Central Jail. A transcription of the interview is attached. The following is a summary of that interview:

On the date of this incident, Deputy Lyons was assigned to the 2000 floor as a Prowler on PM shift. Inmate Revilla was de-classed by OSJ (Operation Safe Jail) from "green light" status to general population. As a result, Deputy Lyons escorted Revilla from the 2100 module to the 2600/2800 module. Revilla, who was not handcuffed, was

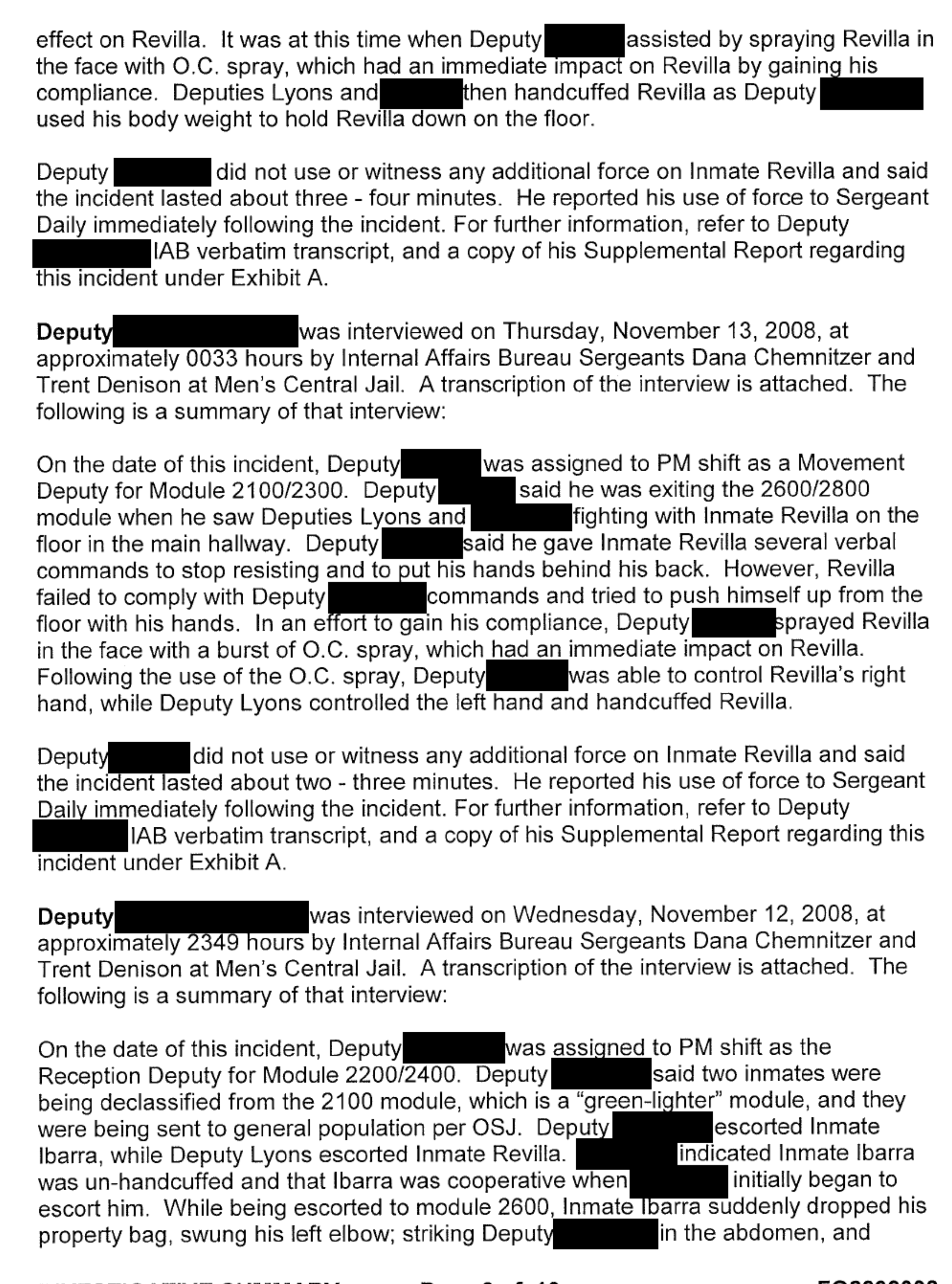
cooperative with Deputy Lyons as he was being escorted down the 2000 floor hallway. When Revilla arrived at the entrance to the 2600/2800 module, he told Deputy Lyons he wasn't going into that module. Revilla then dropped his property on the floor, clenched his fists and advanced toward Deputy Lyons. Believing he was about to be attacked by Revilla, Deputy Lyons punched Revilla in the face two times; once with each fist.

At this time, Deputies [redacted] and [redacted] exited the 2600/2800 module and assisted Deputy Lyons. As Deputy [redacted] grabbed Revilla's left arm, Deputy Lyons grabbed Revilla by the front shirt collar, and the two deputies performed a controlled takedown of Revilla onto the floor of the 2000 hallway outside the entrance to the 2600/2800 module. Deputy Lyons said Revilla struck his chest/shoulder when he landed on the floor, and did not strike his head when he landed. Once on the floor, Revilla continued to resist the deputies by tucking his hands underneath his body and kicking at the deputies; striking Deputy Lyons three times on his left leg. In an effort to overcome his resistance, Deputy Lyons punched Revilla three times in the left ribcage, having little effect on Revilla. Deputy [redacted] then sprayed Revilla with O.C. spray. The O.C. spray had an immediate impact on Revilla, as Deputy Lyons was able to secure Revilla's left hand, while Deputy [redacted] secured the right, and Deputy Lyons handcuffed Revilla without further incident.

Deputy Lyons did not use or witness any additional force on Inmate Revilla and said the incident lasted about a minute to a minute and a half. He reported his use of force to Sergeant Daily immediately following the incident. Deputy Lyons said he was not carrying a flashlight with him during this incident. He indicated Revilla's attack on him happened so quickly, Deputy Lyons didn't have an opportunity to use his O.C. spray. For further information, refer to Deputy Lyons' IAB verbatim transcript, and a copy of his Incident Report under Exhibit A.

Deputy [redacted] was interviewed on Thursday, November 13, 2008, at approximately 0010 hours by Internal Affairs Bureau Sergeants Dana Chemnitzer and Trent Denison at Men's Central Jail. A transcription of the interview is attached. The following is a summary of that interview:

On the date of this incident, Deputy [redacted] was assigned to [redacted] shift as a [redacted]. As Deputy [redacted] exited the 2600/2800 module, he saw Inmate Revilla fighting with Deputy Lyons in the hallway. Deputy [redacted] immediately assisted Deputy Lyons by punching Inmate Revilla three times on the right side of the face with his left fist. Following the last punch, Deputy [redacted] grabbed Revilla's shirt at the shoulders and with the assistance of Deputy Lyons, forced Revilla to the floor face down. Once on the floor, Revilla began kicking at the deputies; striking Deputy Lyons in the thigh. Deputy [redacted] told Revilla to stop fighting several times, while using his body weight to keep Revilla on the floor. When Revilla continued his resistance by using his hands and feet to try and push up from the floor, Deputy [redacted] punched Revilla two - three more times in the left ribs/mid-back area with his left fist; having little



effect on Revilla. It was at this time when Deputy [redacted] assisted by spraying Revilla in the face with O.C. spray, which had an immediate impact on Revilla by gaining his compliance. Deputies Lyons and [redacted] then handcuffed Revilla as Deputy [redacted] used his body weight to hold Revilla down on the floor.

Deputy [redacted] did not use or witness any additional force on Inmate Revilla and said the incident lasted about three - four minutes. He reported his use of force to Sergeant Daily immediately following the incident. For further information, refer to Deputy [redacted] IAB verbatim transcript, and a copy of his Supplemental Report regarding this incident under Exhibit A.

Deputy [redacted] was interviewed on Thursday, November 13, 2008, at approximately 0033 hours by Internal Affairs Bureau Sergeants Dana Chemnitzer and Trent Denison at Men's Central Jail. A transcription of the interview is attached. The following is a summary of that interview:

On the date of this incident, Deputy [redacted] was assigned to PM shift as a Movement Deputy for Module 2100/2300. Deputy [redacted] said he was exiting the 2600/2800 module when he saw Deputies Lyons and [redacted] fighting with Inmate Revilla on the floor in the main hallway. Deputy [redacted] said he gave Inmate Revilla several verbal commands to stop resisting and to put his hands behind his back. However, Revilla failed to comply with Deputy [redacted] commands and tried to push himself up from the floor with his hands. In an effort to gain his compliance, Deputy [redacted] sprayed Revilla in the face with a burst of O.C. spray, which had an immediate impact on Revilla. Following the use of the O.C. spray, Deputy [redacted] was able to control Revilla's right hand, while Deputy Lyons controlled the left hand and handcuffed Revilla.

Deputy [redacted] did not use or witness any additional force on Inmate Revilla and said the incident lasted about two - three minutes. He reported his use of force to Sergeant Daily immediately following the incident. For further information, refer to Deputy [redacted] IAB verbatim transcript, and a copy of his Supplemental Report regarding this incident under Exhibit A.

Deputy [redacted] was interviewed on Wednesday, November 12, 2008, at approximately 2349 hours by Internal Affairs Bureau Sergeants Dana Chemnitzer and Trent Denison at Men's Central Jail. A transcription of the interview is attached. The following is a summary of that interview:

On the date of this incident, Deputy [redacted] was assigned to PM shift as the Reception Deputy for Module 2200/2400. Deputy [redacted] said two inmates were being declassified from the 2100 module, which is a "green-lighter" module, and they were being sent to general population per OSJ. Deputy [redacted] escorted Inmate Ibarra, while Deputy Lyons escorted Inmate Revilla. [redacted] indicated Inmate Ibarra was un-handcuffed and that Ibarra was cooperative when [redacted] initially began to escort him. While being escorted to module 2600, Inmate Ibarra suddenly dropped his property bag, swung his left elbow; striking Deputy [redacted] in the abdomen, and

began to flail his arms at Deputy [redacted]. Deputy [redacted] responded by punching Ibarra three - four times in the face with his fists.

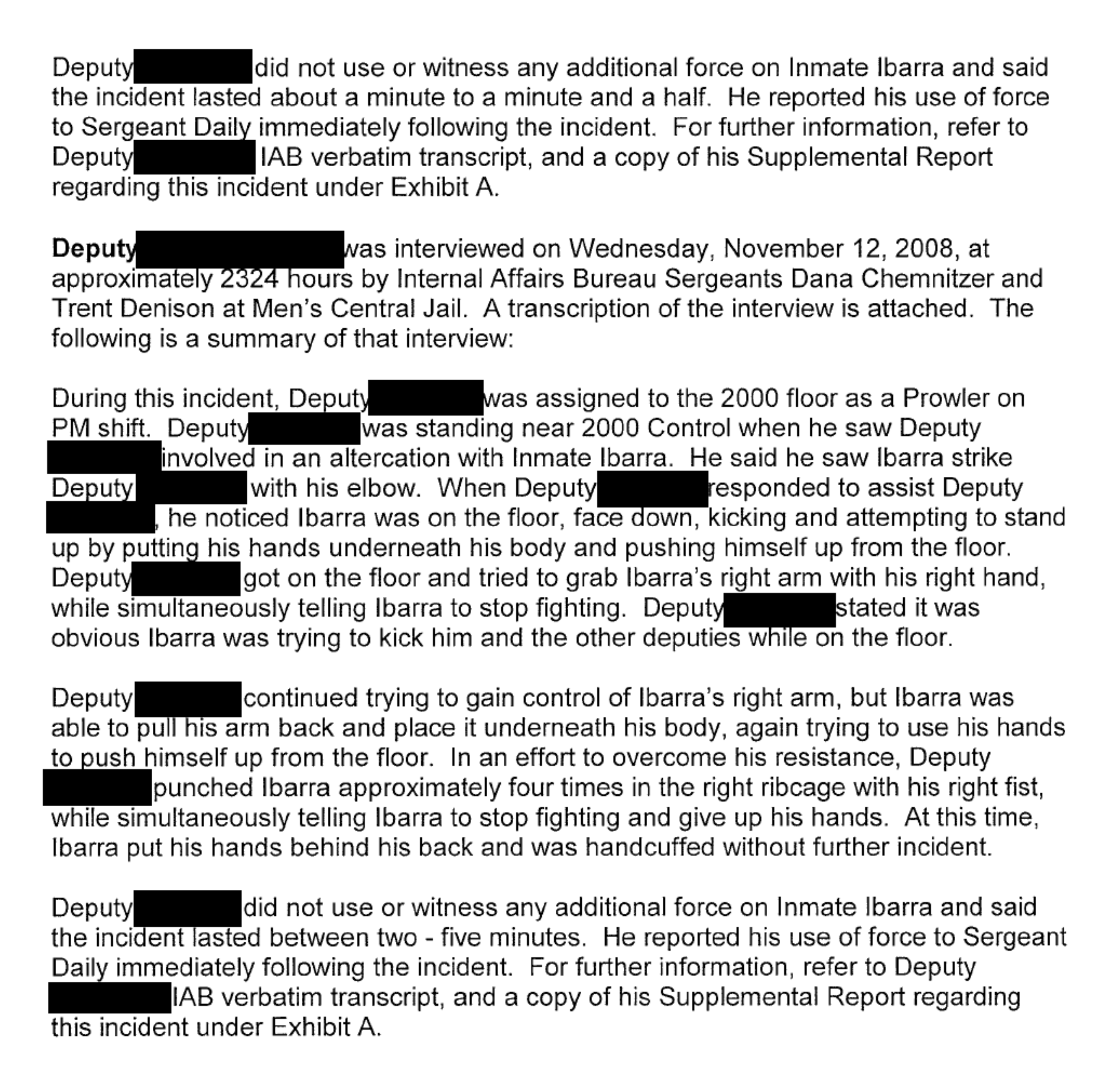
At this time, two other deputies arrived and assisted Deputy [redacted] in taking Ibarra down to the floor. While on the floor, Ibarra began to kick his legs and use his hands to try and push himself up from the floor in an attempt to stand up. Deputy [redacted] put his hands on Ibarra's back in order to keep him down on the ground. Deputy [redacted] said he told Ibarra to stop fighting and to give up his hands, however, he kept trying to push up from the floor and kick his legs. Ibarra was then sprayed with O.C. spray by one of the other deputies, causing Ibarra to comply by putting his hands behind his back. Ibarra was then handcuffed without the use of additional force.

Deputy [redacted] did not use or witness any additional force on Inmate Ibarra and said the incident lasted about thirty seconds to a minute. He said it happened so quickly, that he just reacted by punching Inmate Ibarra, and didn't have time to grab for his pepper spray. He reported his use of force to Sergeant Daily immediately following the incident. For further information, refer to Deputy [redacted] IAB verbatim transcript, and a copy of his Supplemental Report regarding this incident under Exhibit A.

Deputy [redacted] was interviewed on Thursday, November 13, 2008, at approximately 0116 hours by Internal Affairs Bureau Sergeants Dana Chemnitzer and Trent Denison at Men's Central Jail. A transcription of the interview is attached. The following is a summary of that interview:

On the date of this incident, Deputy [redacted] was assigned to PM shift as a Movement Deputy for Module 2600/2800. He said he was standing in the main hallway, in front of the 2000 floor control booth, when he saw Deputy [redacted] escorting Inmate Ibarra toward modules 2600/2800. While Inmate Ibarra was being escorted, Deputy [redacted] saw him drop his property in front of him and strike Deputy [redacted] in the chest with his elbow. As Deputy [redacted] responded to assist Deputy [redacted] he saw Ibarra swinging his arms in a punching motion toward Deputy [redacted]. When Deputy [redacted] made contact with Ibarra, he took hold of his shirt on the left shoulder and forced him to the floor.

Once on the floor, Ibarra continued his assault by kicking at Deputy [redacted] Deputy [redacted] said he gave verbal commands to Ibarra to stop fighting, but Ibarra did not comply. In an effort to overcome Ibarra's resistance and stop him from kicking, Deputy [redacted] kicked Ibarra once in the upper abdominal area and once on the upper left leg, using the instep of his right foot. Ibarra then rolled onto his stomach, placed his hands beside him in a push up position, and attempted to get up from the floor. Deputy [redacted] then sprayed Ibarra in the face with a two - three second burst of Freeze +P O.C. spray, while still issuing commands to stop fighting. Following the use of O.C. spray, Ibarra finally complied and was handcuffed by Deputy [redacted] without the use of additional force.



Deputy [redacted] did not use or witness any additional force on Inmate Ibarra and said the incident lasted about a minute to a minute and a half. He reported his use of force to Sergeant Daily immediately following the incident. For further information, refer to Deputy [redacted] IAB verbatim transcript, and a copy of his Supplemental Report regarding this incident under Exhibit A.

Deputy [redacted] was interviewed on Wednesday, November 12, 2008, at approximately 2324 hours by Internal Affairs Bureau Sergeants Dana Chemnitzer and Trent Denison at Men's Central Jail. A transcription of the interview is attached. The following is a summary of that interview:

During this incident, Deputy [redacted] was assigned to the 2000 floor as a Prowler on PM shift. Deputy [redacted] was standing near 2000 Control when he saw Deputy [redacted] involved in an altercation with Inmate Ibarra. He said he saw Ibarra strike Deputy [redacted] with his elbow. When Deputy [redacted] responded to assist Deputy [redacted], he noticed Ibarra was on the floor, face down, kicking and attempting to stand up by putting his hands underneath his body and pushing himself up from the floor. Deputy [redacted] got on the floor and tried to grab Ibarra's right arm with his right hand, while simultaneously telling Ibarra to stop fighting. Deputy [redacted] stated it was obvious Ibarra was trying to kick him and the other deputies while on the floor.

Deputy [redacted] continued trying to gain control of Ibarra's right arm, but Ibarra was able to pull his arm back and place it underneath his body, again trying to use his hands to push himself up from the floor. In an effort to overcome his resistance, Deputy [redacted] punched Ibarra approximately four times in the right ribcage with his right fist, while simultaneously telling Ibarra to stop fighting and give up his hands. At this time, Ibarra put his hands behind his back and was handcuffed without further incident.

Deputy [redacted] did not use or witness any additional force on Inmate Ibarra and said the incident lasted between two - five minutes. He reported his use of force to Sergeant Daily immediately following the incident. For further information, refer to Deputy [redacted] IAB verbatim transcript, and a copy of his Supplemental Report regarding this incident under Exhibit A.

INMATE STATEMENTS

Inmate Nathareth Revilla was interviewed on Tuesday, December 2, 2008, at approximately 1300 hours by Internal Affairs Bureau Sergeants Dana Chemnitzer and Trent Denison at LCMC. A transcription of the interview is attached. The following is a summary of that interview:

Inmate Revilla said he and another inmate (Ibarra) were being transferred from a single-man cell in module 2100, to general population. Upon learning this, Revilla said he informed the deputy that he can't function in general population because he is in

fear for his life, so he sat down in the hallway and refused to go any further. Revilla said he asked to speak to a sergeant at that point, and believed that by sitting down, it would be less threatening to the deputy. Revilla said a sergeant never showed up and he was told to get up and follow two deputies. He said he felt it was pointless to continue refusing to do what he was told at that point, so Revilla got up and followed the deputies down to the end of the hallway. Revilla said by this time, the other inmate that was being transferred out of module 2100 with him, was already down the hall. As Revilla walked past the other inmate, he saw him sitting down facing the wall with two deputies behind him.

Revilla said when he got toward the end of the hall, he was told to face the wall by the two deputies who were escorting him. Revilla said after facing the wall, he was told to turn around and face the deputies. It was at that time when he was punched twice in the face by the deputies; once in the nose and once in the head. Revilla said he blacked out at that point. He said when he regained consciousness, he was laying face down on the floor in that same hallway, handcuffed. Revilla said he was then sprayed in the mouth with pepper spray and began to choke. He was then escorted to the clinic with the other inmate. Once at the clinic, Revilla said he blacked out again. The next thing he remembers is waking up in the I.C.U. at the hospital.

Revilla said he was holding his property bag in his hand as he was being escorted down the hallway, and said he did not throw it onto the floor or at the deputies. He said he did not try to fight with the deputies in order to keep himself from being sent to general population and he did not see what happened to the other inmate.

During his interview, Revilla indicated he was experiencing some lingering headaches from the incident and complained of numbness to his right foot, in the area over his big toe. He said he believes he was sent to LCMC on this date for a follow up examination related to the head injuries he received back on November 12th.

Inmate Jesus Ibarra was interviewed on Thursday, November 13, 2008, at approximately 0200 hours by Internal Affairs Bureau Sergeants Dana Chemnitzer and Trent Denison at Men's Central Jail. A transcription of the interview is attached. The following is a summary of that interview:

Inmate Ibarra said he and another inmate (Revilla) were being transferred to a General Population Module from a single-man cell. He said three deputies escorted him, while four deputies escorted the other inmate, and that the two inmates were approximately 30 feet apart from each other as they were escorted down the main hallway. Ibarra said he is in fear for his life from the Mexican Mafia, and that he is afraid of being killed in general population. Because of this, Ibarra refused to enter the General Population Module.

Ibarra said prior to arriving at the General Population Module, he sat down on the floor, faced the wall and refused to walk any further. He said he had his personal property bag with him and didn't throw it down to the floor. Ibarra alleges that while sitting on the floor, the three deputies who were escorting him began hitting him with their hands. Ibarra said the deputies hit him approximately 20 times, striking him in the face, on the back of the head and on his lower back. Ibarra said he fell over after being struck by the deputies and that he did not fight back or kick at the deputies while laying on the floor. He said while laying on the floor, he was sprayed in the face with pepper spray. The next thing he remembered was waking up in the clinic being treated by a nurse.

Inmate Ibarra provided a different account of the events when he was asked if he saw what happened to the other inmate. He said as the other inmate was escorted ahead of him, Ibarra heard a commotion between the other inmate and the deputies who were escorting him, and then saw the deputies punch the other inmate. Ibarra said it was at that time when he was told to face the wall, followed by the deputies striking him.

Ibarra complained of pain to the back of his head on the right side, his lower back, the back of his left leg and his left forearm. **(*See Exhibit C for video taped interview of Inmate Ibarra*)**